

MONACO 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Monaco is a constitutional monarchy in which the sovereign prince plays the leading governmental role. The prince appoints the government, which consists of a minister of state and five ministers. The prince shares the country's legislative power with the popularly elected National Council. Multiparty elections for the National Council on February 11 were considered free and fair.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

There were no reports of abuses committed by government officials.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Authorities usually sent noncitizens sentenced to long prison terms to France to serve their terms.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers such as regularly scheduled visits by the Council of Europe's Committee for the Prevention of Torture.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The national police are responsible for maintaining public order and the security of persons and property. The Palace Guard is responsible for the security of the prince, the royal family, and property. Both report to the Ministry of Interior.

Civilian authorities maintained effective control over the national police and the Palace Guards, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Arrest warrants are required. A detainee must appear before an investigating magistrate within 24 hours of arrest to be informed of the charges against him and of his rights under the law, and authorities generally respected this requirement. Authorities released most detainees without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. Monaco and France worked cooperatively to return any fugitive who fled from Monaco into France. Detainees generally had prompt access to a lawyer, and the government provided one to indigent defendants. The investigating magistrate may extend indefinitely the initial two-month detention period in additional two-month increments. The investigating magistrate customarily permitted family members to see detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and are generally informed promptly and in detail of the charges against them. Except for cases involving minors, trials are fair and conducted in public, usually before a judge or tribunal of judges. There were no undue delays. Defendants have a right to be present at their trial. Defendants have the right to consult with an attorney in a timely manner. An attorney is provided at public expense, if needed, when defendants face serious criminal charges. Defendants and their counsel have adequate time and facilities to prepare a defense and have access to free interpretation if necessary. Defendants are able to question the testimony of prosecution or plaintiff witnesses against them, and present witnesses and evidence in their defense. They may not be compelled to testify or confess guilt. Defendants have a right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The country has an independent and impartial judiciary in civil matters, and residents have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. Plaintiffs regularly used available administrative remedies to seek redress for alleged wrongs. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights after they exhaust all avenues of appeal in national courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law prohibits public “denunciations” of the ruling family and provides for punishment of six months’ to five years’ imprisonment for violations. Authorities did not charge anyone with violating these statutes during the year. The law on freedom of expression prohibits defamation or insult, particularly against citizens responsible for a public service or office.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to statistics from the International Telecommunication Union, 97 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and provided mainly financial support for the commissioner's programs.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Monaco is not normally a refugee-receiving country. The government vets applications for asylum with the French Office for the Protection of Refugees and Stateless Persons.

Durable Solutions: On May 30, the government and the Community of Sant'Egidio, a "public lay association" of the Roman Catholic Church, signed an agreement for hosting refugees in Italy. The government contributed 500,000 euros (\$575,000) to support refugees, particularly refugees from Lebanon, for four years.

Section 3. Freedom to Participate in the Political Process

The authority to change the government and to initiate legislation rests solely with the prince. The constitution can be revised by common agreement between the prince and the elected National Council. The constitution and law provide citizens the ability to choose the National Council in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the National Council elections on February 11 to be free and fair.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. Officials sometimes engaged in

corrupt practices with impunity. There were no reports of government corruption during the year.

Corruption: There were sporadic allegations of governmental corruption during the year but no formal proceedings against government officials for corrupt practices. Corruption was considered a problem in the country. The Council of Europe's anticorruption body, GRECO, reported in July 2017 there was "no record of criminal or disciplinary proceedings relating to the integrity of a parliamentarian, which may be as much due to the absence of intrinsic problems as to the absence of specific rules and mechanisms designed to preserve the integrity of national elected representatives."

Financial Disclosure: Appointed and elected officials are not subject to financial disclosure laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

While the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none existed in the country. International human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases.

Government Human Rights Bodies: The government's mediation service is available to residents seeking redress against administrative decisions. The Office of the High Commissioner for the Protection of the Rights and Freedoms and Mediation protects human rights and fights discrimination. While the office acted independently, had adequate resources, and was considered effective, the government does not allow the high commissioner to initiate investigations on her own.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense with penalties of five to 20 years in prison, depending on the type of offense. The law prohibits spousal abuse, and victims may bring criminal charges against abusive spouses. According to the Ministry of Justice, there were no reported

rapes, but there were some instances of domestic violence, which were properly prosecuted. The government enforced the law effectively in these cases.

Sexual Harassment: Sexual harassment is a criminal offense with penalties of three months to three years in prison, depending on the type of offense. There were no reports of sexual harassment during the year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the equality of men and women. The government enforced the law effectively.

Children

Birth Registration: Citizenship may be transmitted by a citizen parent. The government registered births immediately.

Early and Forced Marriage: The legal minimum age of marriage in the country is 18 for women and men. Children under the age of 18 need parental authorization to marry.

Sexual Exploitation of Children: Child prostitution and child pornography are illegal, and authorities enforced the law. The minimum legal age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

According to the European Jewish Congress, the Jewish community numbered approximately 1,000 persons, most of whom were not Monegasque citizens but foreign residents. According to the Monaco-based Association Culturelle Israelite, there were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports during the year that Monaco was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with disabilities in education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government effectively implemented these laws.

National/Racial/Ethnic Minorities

In a report published in 2016, the European Commission on Racism and Intolerance (ECRI) noted the country's law does not clearly define and does not expressly prohibit direct and indirect discrimination based on national, racial, or ethnic identity. It also lacks certain key components of effective legislation against discrimination, such as the shared burden of proof.

Police and judicial statistics on hate crimes and hate speech were not published. ECRI observed reluctance on the part of victims to file complaints.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation or gender identity, including in housing, employment, nationality, and access to government services. It provides for fines, imprisonment, or both for persons who provoke hatred or violence against a person or group due to their sexual orientation, real or perceived. The government enforced these laws.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes; government workers do not have the right to strike. Antiunion discrimination is prohibited. According to ECRI's report published in 2016, the law requires the majority of members of a trade union's bureau to be of Monegasque or French

nationality. Union representatives may be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. The government generally respected these rights.

The government generally enforced the law. Penalties were generally sufficient to deter violations. The government provides the assistance of mediators for private or professional conflicts to avoid long and costly court procedures and to find a solution acceptable to all parties to the dispute.

The government and employers generally respected freedom of association and the right to bargain collectively, and employer organizations and trade unions negotiated agreements on working conditions that were largely respected.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor. Information regarding the adequacy of resources, remediation effort, inspection sufficiency, and penalties for violations was not available.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. Employment between the ages of 16 and 18 is subject to severely restricted conditions. Youths under the age of 18 are allowed to work eight hours per day to a maximum of 39 hours per week and are barred from night work. The government enforced the law effectively. Penalties were sufficient to deter violations; no violations were reported during the year.

d. Discrimination with Respect to Employment and Occupation

The law requires equal pay for equal work. While no data were available, observers believed there was a small and gradually diminishing gender pay discrepancy.

The law allows the firing of foreign employees without justification. ECRI reported foreign women did not enjoy the same entitlement to social benefits as their male counterparts.

e. Acceptable Conditions of Work

There is a minimum wage, which exceeded the official estimate of the poverty level. The wage laws were enforced. Law and government decree establish health and safety standards, which are appropriate for the country. Workplace health and safety committees and government labor inspectors enforced the standards.

The Department of Employment in the Ministry of Health and Social Affairs had several labor inspectors. The chief inspector answered directly to the director of the Department of Employment. Labor inspectors informed employers and employees on all matters related to labor laws, as well as health and safety standards. They arbitrated, mediated, and reconciled labor-management disputes. When possible, they carried out onsite inspections to ensure employers respected all requirements of the law. Data was not available on enforcement of occupational safety and health standards in the informal economy.